

# Registered Organization (RO)

## *Frequently Asked Questions*

### Application Submission Instructions

1. **Will applicants have access to the online portal prior to the application window opening on October 31, 2023?**

No. Applicants may submit applications at any time between October 31, 2023 and December 19, 2023. No access prior to October 31, 2023 or after December 19, 2023 will be provided.

2. **Does an application gain an advantage the earlier it is submitted?**

Applications submitted earlier within the application window do not gain an advantage over applications submitted later.

3. **Will the 50% discount apply to applicants that are a women-owned business, minority-owned business, service-disabled veteran-owned business, distressed farmer-owned business, or from a community disproportionately impacted?**

No, applicants will not receive a discount on the fees related to this application or registration.

4. **What, if any, reductions may an applicant that is a women-owned business, minority-owned business, service-disabled veteran-owned business, distressed farmer-owned business, or from a community disproportionately impacted applicant receive on their secured bond in lieu of a lease agreement or letter of intent? Is the two million dollar bond set for all applicants?**

None. All applicants wishing to provide a secured bond in lieu of demonstration of the possession of sufficient property must provide a bond of \$2 million. This amount is set for all applicants.

5. **Must an applicant that is a women-owned business, minority-owned business, service-disabled veteran-owned business, distressed farmer-owned business, or from a community disproportionately impacted show actual capitalization of their business at the application stage or is a promissory note/capitalization table post-license approval from identified investor(s) sufficient?**

All applicants must show capitalization of their business at the application stage.

## Acceptance of Applications

**6. How many registrations are available in this new 2023 RO application round?**

The Office of Cannabis Management (the Office) will issue registrations based on the quality of applications received and market needs.

**7. Will the Office be releasing any information on how the RO applications will be scored, prior to the submission deadline, and outside the information contained in 9 NYCRR 113.7?**

Applicants are encouraged to review the Registered Organization Application Instructions to learn more about the evaluation of applications. Additional scoring specific information will not be released.

**8. Should we cite the relevant regulations for the purposes of this application and how should they be cited within the application for consistency (e.g. 9 NYCRR 113 or 9 NYCRR Part 113)**

Where appropriate, you may cite regulations and choose a preferred citation method or style.

## Criteria for Consideration

### **III.        *Ownership***

**9. If the RO is a non-for-profit would regulators look more favorably upon Physician Network participation?**

The non-profit status of the RO is not relevant to the participation of Physician Networks.

**10. May an RO applicant have an affiliation with a Physician Network? If so, to what extent may a Physician Network participate in profit sharing of the RO?**

The regulations in [9 NYCRR 113.23\(a\)](#) provide for a number of practitioner prohibitions. The restrictions listed in section 113.23(a) must be adhered to in full.

## ***VII. Organization and Operations***

### **11. Where do security details or a Security Plan fit into the application? Should they be included in the Business Plan section?**

Prior to becoming operational an applicant must demonstrate that its facilities meet all compliance standards, including but not limited to, security requirements, as per [9 NYCRR 113.14](#). The portion of the application this demonstration is included in is at the discretion of the applicant.

### **12. Several requirements in this application – e.g. Affordability Plan, Diversity Plan, Environmental Impact Plan and Environmental Sustainability Plan - include specific formatting restrictions for those questions (12-point font, 1.5 line spacing, no diagrams, photos, anything other than text). For those plans which do not include those specific instructions are applicants free to include graphics, diagrams, photos and otherwise deviate from the formatting restrictions outlined for the other questions? Are there other formatting requirements applicants should be aware of where?**

Applicants should use appropriate and reasonable formatting when providing plans and uploads that do not otherwise have formatting restrictions. Applicants may incorporate non-text content to reasonably support the content in these documents.

## ***VIII. Public Interest***

### **13. In the Public Interest section of the Application Instructions state, “You must identify one owner, previously listed, who will be used as the basis for answering the Practitioner Outreach and Research experience-based questions.” In the portal, will there be an opportunity to complete this entire set of questions for multiple owners, or must applicants select a sole representative owner to discuss this experience? For example, an applicant has two owners, Owner A and Owner B, both of whom have the experience referenced in this section. Will the applicant be able to complete this set of questions, in full, for Owner A, and then Owner B, or must the applicant select either Owner A OR Owner B?**

The applicant must select a single owner to represent the experience described in each question. The owners selected for each question in the Practitioner Outreach and Research subsection of the application may or may not be the

same owner. In the scenario described above, Owner A can be used for some questions, Owner B for others or just one for all questions.

## ***IX. Environmental Plans***

- 14. The Environmental Impact Plan specifies five separate sections that may be addressed, each with a word limit of six hundred (600) words and seven (7) pages total. Can applicants include information outside the five provided subsections, so long as that information is also contained in a section that does not exceed six hundred (600) words and the overall page limit of seven (7) pages?**

Applicants may include additional information but only material included in the five sections and within the length restrictions will be evaluated.

- 15. Should all Packaging & Labeling material be included within the Environmental Plans or within the Standard Operating Procedure section? This typically includes a description of the child-resistant packaging and a mock label that includes any relevant information required by the regulations.**

To the extent that sustainable packaging is a part of your Environmental Plan(s), please mention it in your Environmental Plan materials. Any packaging and labelling material should be submitted with the Standard Operating Procedures. Materials that address both requirements may be mentioned in both.

- 16. The instructions for the Environmental Plans state, “No diagrams or photos may be used in the page count.” Can applicants submit diagrams, photos and any non-text content at all?**

Applicants may include diagrams, photos, and other non-text content to reasonably support the Environmental Plans but such content will not be counted in the 7-page limit and may not be considered at all.

## ***X. Diversity Plan***

**The instructions for the Diversity Plan state, “No diagrams or photos may be used in the page count.” Can applicants submit diagrams, photos and**

**any non-text content at all?**

Applicants may include diagrams, photos, and other non-text content to reasonably support the Diversity Plan but such content will not be counted in the 7-page limit and may not be considered at all.

***XI. Affordability Plan***

**17. The instructions for the Affordability Plan state, “No diagrams or photos may be used in the page count.” Can applicants submit diagrams, photos and any non-text content at all?**

Applicants may include diagrams, photos, and other non-text content to reasonably support the Affordability Plan but such content will not be counted in the 7-page limit and may not be considered at all.

**Disclosure of Application Materials**

**18. When are requests due to the Office to claim trade secret or confidential information exemptions to the Freedom of Information Law?**

Requests are due at the time the confidential information is submitted to the Office. For more information, please review the [Registered Organization Application Instructions](#).

**19. Must applicants provide redacted copies of their applications when they request an exemption to the Freedom of Information Law?**

Applicants requesting an exemption to the Freedom of Information Law should identify which areas of the application they wish to be redacted. There is no requirement to provide copies, redacted or otherwise.

**20. Will proprietary medical protocols and other proprietary information developed for the purpose of this application be protected from the general public outside of those reviewing RO applications?**

Applicants requesting an exemption to the Freedom of Information Law should identify which areas of the application they wish to be redacted and submit the request for exemption.